

**CITY OF CLEVELAND**  
**CITY COUNCIL MEETING**  
**APRIL 6, 2020**  
**MINUTES**

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**CITY COUNCIL MEETING**

The City Council Meeting of the Mayor and Council of the City of Cleveland was called to order by Mayor Pro Tem Kevin Stanley at 6:30 p.m.

Due to the orders of U.S. President Donald Trump and Georgia Governor Brian Kemp to conduct social distancing, the meeting is closed to the public to physically attend. The meeting is held through teleconferencing, in which the public may dial in and listen and be a part of the proceedings.

**COUNCIL MEMBERS PRESENT:** Nan Bowen, Kevin Stanley, and Bradley Greene

**APPROVAL OF AGENDA**

On motion by Bradley Greene, seconded by Nan Bowen, and carried unanimously, the Mayor Pro Tem and City Council approved the agenda of the City Council Meeting of April 6, 2020.

**CHIEF RICKY PRUITT – FIRE DEPARTMENT**

Chief Ricky Pruitt, Fire Department, was unable to attend the meeting. Tom O’Bryant presented the March .statistics for the department.

The department responded to 108 calls – 54 within the city limits and 54 outside the city limits with 12 of the calls outside the automatic aid area.

**CHIEF JOHN FOSTER – POLICE DEPARTMENT**

Chief John Foster, Police Department, did not have new business to report.

**GRANT KEENE, CITY ATTORNEY**

Grant Keene, City Attorney, did not have new business to report.

**TOM O’BRYANT – CITY ADMINISTRATOR**

**1. Executive Order by the Governor of Georgia to Shelter In Place**

- a. In response to the COVID-19 pandemic, on March 26, 2020, City Council adopted Ordinance 2020-11, an Ordinance Declaring a Local State of Emergency and Taking Immediate Emergency Measures.
- b. On April 2, 2020 , the Honorable Brian Kemp, Governor of Georgia, signed an executive order that all residents and visitors in the State of Georgia shelter in place within their homes or places of residents unless they are conducting essential services, performing necessary travel, are part of the workforce for critical infrastructure and engaged in travel to and from employment, and, are engaged in the performance of minimum basic operations for business not classified as critical.
- c. The Governor’s supersede and suspends all prior existing ordinances adopted by the City addressing emergency powers related to the public health emergency.

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- d. The Order does not deputize local law enforcement to enforce the Order. State law enforcement with P.O.S.T. certification is charged with enforcement.
- e. The Order is scheduled to expire April 13, 2020, unless extended by the Governor.

Chief Foster advised his department could not enforce unless the council voted to adopt the same orders adopted by Governor Kemp. Mr. O'Bryant answered the White County Sheriff's office has been deputized by the Governor to enforce the orders. Chief Foster informed he had forwarded clarification of enforcement of the order from the Police Chief's Association and asked if Mr. O'Bryant had received. Mr. O'Bryant answered yes and has forwarded to Georgia Municipal Association for review and have not heard back. Mr. O'Bryant stated he is awaiting legal guidance.

**2. Update of Building Permit Fee Schedule**

- a. The City has adopted the ICC Building Codes and other state minimum standards to ensure that new construction and development is performed to protect the health, safety and welfare of its citizens.
- b. The City operate and building permit and inspection program to ensure that construction and development is in compliance with the adopted technical construction codes. The department collects building permit fees to help fund the operation of the building department.
- c. The last comprehensive update of building permit fees was in 2004. Costs of operations have increase significantly since the last update of fees. With the increase in costs it has taken more revenue from other resources to help fund the department activities. It is best that fees for building are appropriately set to adequately fund the department operations.
- d. The proposed increase will help the department be more self-sustaining and the department will be less likely to be subsidized by other city revenue sources.
- e. Staff is requesting that the proposed Building Permit Rates (fees) be adopted and go into effect July 1, 2020 (FY21). This will require a first and second consideration by City Council prior to adoption.

On motion by Nan Bowen, seconded by Bradley Greene, and carried unanimously, the Mayor Pro Tem and City Council voted to approve the first consideration of the increase in building permit rates.

**3. Water/Sewerage Rates to Address Required Wastewater Plant Upgrades**

- a. The City operates the City Utilities - Water and Sewer Departments - as enterprise funds. These departments operate from the revenue collected from the sale of water and sewer services. (SPLOST and grant funds have help pay for some of the capital projects for water and sewer.) This also includes any debt service owed by the city for large construction related projects.

- b. When needed the City Council has reviewed water and sewer rates as system improvements and expansion have been anticipated and planned, and established rates to cover the cost of operations and debt service.

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- c. The City recently renewed its NPDES permit for its wastewater discharge into Tesnatee Creek. The new permit includes new environmental standards for the removal of phosphorus and the testing of nitrates/nitrites. The current Lemna pond system will not meet the standards established by Georgia EPD. A plant upgrade is required to meet the new environmental standards. As the city addresses the plant upgrade, it is also good planning to request in increase in the city's wastewater discharge. The increase in the discharge will allow the city to provide wastewater services for future growth. Members of City Council and staff toured several wastewater plants to better understand the best way to address the plant upgrade meeting environmental standards and future growth.
- d. The City requested bids for the plant upgrade design and the project was awarded to Rindt McDuff. They are in the process of designing the plant.
- e. The technology to address the environmental standards and expansion is very costly. The City will need to seek long term financing to construct the plant upgrade from the Georgia Environmental Finance Authority (GEFA). GEFA provides long term loans for water, wastewater and solid waste management infrastructure. The City currently has two loans with GEFA for the expansion of the Truelove Road (US 129 South) sewer line project and the US 129 North project. The debt service for these loans are part of the operations and management of the enterprise fund for the Water and Sewer Department, which is funded by water and sewer revenue.
- f. As the City prepares for the wastewater plant upgrade, an application from GEFA for long-term financing for the construction of the plant will require a review of city water and sewer rates to ensure that enterprise revenue is sufficient to cover the cost of the upgrade.
- g. A review of existing rates has been conducted by city staff to determine if rates can cover the lending for the plant upgrade in addition to current operations.
- h. Staff has prepared information for City Council to review and consider that includes; a comparison of rates for the City of Cleveland to other surrounding utilities; and, proposed incremental rate increases that will address the coverage of the proposed debt service. These rates will potentially be the rate structure the City presents in its application to GEFA. Instead of one large rate increase to address the debt this structure proposes incremental increases over a three-year period.
- i. Staff is requesting that the proposed Water/Sewer Rates (fees) be adopted and go into effect July 1, 2020 (FY21). This will require a first and second consideration by City Council prior to adoption.

On motion by Bradley Greene, seconded by Nan Bowen, and carried unanimously, the Mayor Pro Tem and City Council voted to approve the first consideration of the water/wastewater rate increase.

**4. Update of Sanitation Rate Fee Schedule**

- a. The City sanitation services operates on a fee basis. Fees cover the costs of daily operations, collections and disposal.
- b. The City uses the White County Transfer Station for disposal of collected solid waste.

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- c. The County has informed the city that the tipping fees, which is the cost of disposal, increased last January, will be increasing again in July, and is proposed to increase a third time in 2021. The increase makes it more expensive to operate the department. It cannot absorb the increase without possibly using other revenue source to help fund the department.
- d. A capital reserve account needs to be established for Sanitation to help the department save funds to pay for future capital cost such as garbage trucks, which are very expensive.
- e. Sanitation rates have held steady since 2016
- f. Staff request that a rate increase be funded to help cover the costs of the increased tipping fees and to help fund a capital reserve account for future capital equipment. Instead of one large rate increase to address the future operations staff proposes incremental increases over a three-year period at 3.375% each year.
- g. Staff is requesting that the proposed Sanitation Rates (fees) be adopted and go into effect July 1, 2020 (FY21). This will require a first and second consideration by City Council prior to adoption.

On motion by Bradley Greene, seconded by Nan Bowen, and carried unanimously, the Mayor Pro Tem and City Council voted to approve the first consideration of the sanitation rate increase.

**5. Chamber of Commerce Request for Public Works to Hang Banners Honoring White County High School Senior Participants in Spring Sports**

- a. The City received a request from the White County Chamber of Commerce to request that City Public Works participate in an activity supporting member of the 2020 White County senior class unable to participate in their spring sport, thus having their senior night cancelled. The Chamber was approached by some members of the business community.
- b. Each senior would have a banner with a photo and their sport. The banners would be funded by sponsors. The banners would be hung on the light posts in town much like the seasonal and event banners the city places on the post each year.
- c. The Chamber asked if city public works could be made available to help hang the banners. City Council will need to approve the Public Works Department participating the proposed request.

The City Council approve the request. Mayor Pro Tem Stanley stated it was a good idea to recognize the kids.

**6. Update Status Emergency Water line on Old Blairsville Road**

- a. The water line along Old Blairsville Road has experienced breaks over the past year resulting in the interruption of local schools and the difficult operation or closure of businesses. The water line is one of the oldest in town yet very important to the function of the city.

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- b. City Council declared the replacement of the line to be an emergency and approved funds to replace the line.
- c. Installation of the line is near completion. The line will also include an upgrade in capacity from a six inches to an eight inches.
- d. Final work includes some additional valves for system management, environmental testing and customer connections. The contractor will be resurfacing the intersections and drives where the line was installed.
- e. The line should be operational within the next three to four weeks.

Bradley Greene asked about the line behind Burger King on Quillian Street. Mr. O'Bryant stated it is another old line that will need to be replaced soon.

#### **7. Update on Other City Activities**

- a. City staff continues to monitor protocols and meet with county and state officials on the update and response of the local operations related to the pandemic COVID-19.
- b. City Clerk conducted qualifying for the Ward 2 City Council seat. Two persons qualified to run for the elected office.
- c. The City's new inmate van has been delivered to the Coldwell Detention Center. The inmate crew will return when the Department of Corrections is provided a date and guidelines for them to return following the COVID-19 pandemic.
- d. City Police department is beginning their move into Oak Springs. Some additional equipment is needed for storage and supplies as well as some security equipment.

Bradley Greene inquired if the internet had been installed at Oak Springs. Mr. O'Bryant answered not yet, but is on the schedule for installation. Chief Foster asked if security had been addressed in the building. Mr. O'Bryant answered he has been working with Ms. Charlie LaVelle on the issues of security.

Bradley Greene question again the need for the city to adopt the orders of Governor Kemp. Mr. O'Bryant informed he is waiting on guidance from Georgia Municipal Association. Chief Foster reminded the group the city can adopt the same orders, but could not be less or more strict than what the governor has in place. Chief Foster informed he had forwarded guidance from the Police Chief's Association on how to implement the governor's orders to Mr. O'Bryant.

Nan Bowen asked if the governor's orders were on the website. Mr. O'Bryant answered there is a link to public health. Mr. O'Bryant informed the White County Chamber of Commerce has a link on their website for businesses needing assistance or guidance during this time.

